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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
7

8 YASIR MEHMOOD,

9 Petitioner,

2:15-cv-01881-GMN-GWF

10 vs.

**ORDER**

11 TRINITY SERVICES GROUP, INC.,  
12 *et al.*,

13 Respondents.  
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16 This action is a petition for writ of habeas corpus by Yasir Mehmood, who is apparently  
17 incarcerated at the Nevada Southern Detention Center, in Pahrump, Nevada, awaiting a criminal trial  
18 in the United States District Court for the Eastern District of California.

19 This is the latest of a series of habeas petitions filed by Mehmood in this court. In this  
20 regard, the court takes judicial notice of the proceedings in this court in the following habeas actions  
21 filed by Mehmood in this court: Case No. 2:15-cv-01522-JAD-CWH, Case No. 2:15-cv-01594-  
22 GMN-CWH, Case No. 2:15-cv-01739-GMN-CWH, Case No. 2:15-cv-01813-APG-GWF, Case No.  
23 2:15-cv-01847-MMD-VCF, and Case No. 2:15-cv-01849-JCM-CWH. Mehmood has also filed at  
24 least two civil rights actions in this court, including Case No. 2:15-cv-01369-RCJ-CWH, and Case  
25 No. 2:15-cv-01818-GMN-GWF, and the court takes judicial notice of the proceedings in those  
26 actions as well.

1 This action was transferred to this court from the United States District Court for the Eastern  
2 District of California (ECF No. 4).

3 Mehmood has filed an application to proceed *in forma pauperis* (ECF No. 2). The financial  
4 information provided with the application to proceed *in forma pauperis* indicates that petitioner is  
5 unable to pay the filing fee. Therefore, the *in forma pauperis* application will be granted.

6 The court has reviewed Mehmood's petition for a writ of habeas corpus pursuant to Rule 4 of  
7 the Rules Governing Section 2254 Cases in the United States District Courts, and finds that the  
8 petition is frivolous; it plainly does not state a claim upon which habeas relief could be granted by  
9 this court.

10 In his habeas petition in this case, Mehmood complains that he does not receive an adequate  
11 diet appropriate to his Muslim religious faith.

12 Mehmood's claims are not cognizable in this habeas corpus action. "[T]he essence of habeas  
13 corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional  
14 function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475,  
15 484 (1973); *see also Heck v. Humphrey*, 512 U.S. 477, 481 (1984) ("[H]abeas corpus is the exclusive  
16 remedy for a state prisoner who challenges the fact or duration of his confinement and seeks  
17 immediate or speedier release...."); *Ramirez v. Galaza*, 334 F.3d 850, 859 (9th Cir.2003) ("[H]abeas  
18 jurisdiction is absent, and a § 1983 action proper, where a successful challenge to a prison condition  
19 will not necessarily shorten the prisoner's sentence."); *Badea v. Cox*, 931 F.2d 573, 574 (9th  
20 Cir.1991) ("Habeas corpus proceedings are the proper mechanism for a prisoner to challenge the  
21 'legality or duration' of confinement. A civil rights action, in contrast, is the proper method of  
22 challenging 'conditions of ... confinement.'" (citations omitted)). Mehmood challenges the  
23 conditions of his confinement. He must do so in a civil rights action. His claims are not cognizable  
24 in this habeas corpus action.

1 The court notes that in his complaint in Case No. 2:15-cv-01369-RCJ-CWH, one of the civil  
2 rights actions that Mehmood has initiated in this court, Mehmood makes essentially the same claims  
3 that he makes in his habeas petition in this action.

4 The court will summarily dismiss this action pursuant to Rule 4 of the Rules Governing  
5 Section 2254 Cases in the United States District Courts.


6 **IT IS THEREFORE ORDERED** that the petitioner's application to proceed *in forma*  
7 *pauperis* (ECF No. 2) is **GRANTED**. Petitioner will not be required to pay the filing fee for this  
8 action.

9 **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

10 **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

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13 Dated this 6<sup>th</sup> day of October, 2015.

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UNITED STATES DISTRICT JUDGE